

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

AGWEST FARM CREDIT,

Plaintiff,

v.

**KIMBERLY C, O.N. 596518, its Engines,
Machinery, Appurtenances, etc., and YAK
250, O.N. 928702, its Machinery,
Appurtenances, etc.,**

Defendants.

v.

PETRO 49, INC.,

Claimant.

Case No. 3:24-cv-565-AR

**ORDER FOR ENTRY OF DEFAULT
JUDGMENT**

Michael H. Simon, District Judge.

THIS MATTER having come on for consideration upon Plaintiff's Motion for entry of Default Judgment and the Court having considered the pleadings and papers submitted, including the Declarations of David Poor and Lafcadio Darling in Support of Default Judgment, the Court hereby further FINDS as follows:

1. Upon Plaintiff's motion, on June 24, 2024, United States Magistrate Judge Jeff Armistead ordered that *in rem* Defendants are in default (ECF 32).

2. Based on the facts alleged in the Verified Complaint and established on default, Plaintiff is entitled to foreclosure on its preferred ship mortgage and judgment for amounts due against the *in rem* Defendant Vessels.

3. The Verified Complaint and attachments, as supplemented by the Declaration of David Poor in Support of Default Judgment, establish that Plaintiffs are entitled to entry of judgment *in rem* in an amount no less than \$15,203,877.16.

4. Because this foreclosure action and the arrest and sale procedure have been agreed by Plaintiff and the Vessels' owner, and because the only remaining claim in this matter is Petro 49 Inc.'s lien claim and request for marshaling of assets, there is no just reason to delay entry of default judgment against the *in rem* Defendants under Rule 54(b) of the Federal Rules of Civil Procedure.

Therefore, the Court ORDERS as follows:

1. AgWest's preferred ship mortgages against the *in rem* Defendant Vessels, as described in the Verified Complaint, are hereby foreclosed.

2. Default judgment shall be entered by the Clerk in favor of Plaintiff AgWest against the *in rem* Defendants KIMBERLY C, O.N. 596518 and YAK 250, O.N. 928702 in the amount of \$15,203,877.16.

3. The entry of default judgment against the *in rem* Defendants herein shall not affect the pending lien claim of Petro 49, Inc.

IT IS SO ORDERED.

DATED this 30th day of October, 2024.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge